answers on his own knowledge. The same view is taken in *Long* v. *White* (1830), 5 J. J. Marsh. 226; *Gould* v. *Williamson* (1842), 21 Me. 273; *Field* v. *Wilbur* (1876), 49 Vt. 157; *Veile* v. *Blodgett* (1877), 49 Vt. 270; GREENLEAF ON EVIDENCE, Vol. III, § 289, and seems to be in accord with reason, if not with the weight of authority.

EVIDENCE—OPINION EVIDENCE IN ACTION FOR LIBEL.—Plaintiff, in a libel suit, where the words complained of were ambiguous, offered to put on as witnesses readers of the article to testify as to how they understood the words when they read them. *Held,* that the testimony was properly admitted (LAMM and GRAVES, JJ., dissenting). *Julian* v. *Kansas City Star Co.* (1907), — Mo. —, 107 S. W. Rep. 496.

The leading opinion is in harmony with *Howe Machine Co.* v. *Souder,* 58 Ga. 64; *Miller* v. *Butler,* 60 Mass. 71; *Knapp* v. *Fuller,* 55 Vt. 311. It is opposed by *Snell* v. *Snow,* 13 Met. (Mass.) 278; *Van Vechten* v. *Hopkins,* 5 Johns. (N. Y.) 211; *Gibson* v. *Williams,* 4 Wend. (N. Y.) 320; *White* v. *Sayward,* 33 Me. 322; *People* v. *Parr,* 42 Hun (N. Y.) 313; *Eaton* v. *White,* 2 Pin. (Wis.) 42. The dissenting opinion distinguishes between libel and slander, saying, "Where the words are spoken, intonation of voice, accent, gesture, and other things difficult and practically impossible to accurately describe to the jury, the opinion of non-expert witnesses, who were hearers of said words may be taken as to their meaning; but this rule should not apply to slander cases, where the words are unambiguous, and not accompanied by the things aforesaid, which are difficult to describe or reproduce before the jury, nor to libel cases." This distinction is entirely sound, but is not borne out by the cases on this subject. It is hard to see any reason for allowing opinion evidence on written words, which the jury after having been told all the surrounding circumstances, can read as intelligently as the witness can.

EVIDENCE—THE BEST EVIDENCE RULE.—Defendant offered to prove by a competent witness the testimony of a deceased witness, given at the previous trial of the same cause, and between the same parties. The testimony had all been taken down by an official stenographer. *Held,* the testimony should have been admitted, as the shorthand notes are not the best evidence. *Studabaker* v. *Faylor et al.* (1908), — Ind. —, 83 N. E. Rep. 747.

The case of *State* v. *Maloy,* 44 Iowa 104, holds that the reporter's notes are the best evidence of testimony given on a former trial; but as to this point, it stands alone. Most courts refuse to admit the report of an official stenographer under the circumstances. See WIGMORE, EVIDENCE, Par. 1689, and cases there cited. But the principal case does not go that far. It only holds that such a report is not the best evidence. At the present time statutes in several states provide for the admission of such a report.

FRAUDULENT CONVEYANCES—DELIVERY AND CHANGE OF POSSESSION OF GROWING CROPS.—A crop of prunes was grown on the homestead of a wife and her husband; the homestead having been selected by her from her separate property. In January, husband and wife entered into a parol agreement,